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JOHN PETER LEE, LTD., and the ESTATE OF JOHN PETER LEE

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EVANSTON INSURANCE COMPANY,)
Plaintiffs,)
v.)
70 LIMITED PARTNERSHIP, a Nevada L.P.;)
TERTIA DVORCHAK, as Special)
Administratrix of the Estate of Thomas T. Beam,)
Deceased; JOHN PETER LEE, LTD., a Nevada)
Professional Corporation; and JOHN PETER)
LEE, an Individual,)
Defendants.)
JOHN PETER LEE, LTD. and JOHN PETER)
LEE,)
Third-Party Plaintiff,)
v.)
HARLEY E. HARMON INSURANCE)
AGENCY, INC.,)
Third-Party Defendant.)

CASE NO.: 2:14-CV-01370-RFB-NJK

**STIPULATION AND ~~PROPOSED~~
ORDER, PURSUANT TO LOCAL
RULE IA 6-1, TO EXTEND THE
DEADLINE FOR FILING A PROPOSED
SCHEDULING ORDER**
(First Request)

1 This matter was stayed effective December 5, 2014, when Magistrate Judge Nancy J. Koppe
2 issued an Order staying this action pending the resolution of the malpractice lawsuit, entitled *70*
3 *Limited Partnership, et al. v. John Peter Lee, Ltd., et al.*, Case No. A-13-691389-C, Eighth Judicial
4 District, State of Nevada, Clark County ("Malpractice action").

5 The *Malpractice* action involved allegations of attorney malpractice by John Peter Lee, Ltd.,
6 and John Peter Lee in connection with their work on an inverse condemnation case, captioned *70*
7 *Limited Partnership, et al. v. McCarron International Airport and Clark County*, Clark County
8 District Court, Case no A572739 ("McCarron action"). Moreover, the case, captioned *F & C*
9 *Collections, Inc. and John Peter Lee, Ltd., v. Estate of Thomas T. Beam, Jimma Lee Beam*
10 *Revocable Trust, 70 Limited, LLC., Leigh, T&D, Inc., Jimma Lee Beam (deceased), Tertia Dvorchak*
11 *and Bank of Nevada*, Clark County District Court, Case No. A-13-680570-B ("Collection action"),
12 began when John Peter Lee, Ltd., sought to recover the fees/costs earned prosecuting the *McCarron*
13 action. The *Malpractice* action was filed after the *Collection* action approximately seven and one-
14 half months later. On or about April 25, 2014, the *Malpractice* action was consolidated with the
15 *Collection* action.

16 A settlement has been reached in the *Collection* action, and *Malpractice* action was
17 dismissed. In light of these developments, the parties recently requested the Court lift the stay. The
18 Court lifted the Stay effective August 17, 2017, and ordered the parties to file a proposed
19 scheduling order by August 24, 2017.

20 This matter involves six parties. These parties are: (1) Evanston Insurance Company, (2)
21 70 Limited Partnership, (3) Tertia Dvorchak, (4) John Peter Lee, LTD., (5) the Estate of John Peter
22 Lee, and (6) Harley E. Harmon Insurance Agency, Inc. Evanston Insurance Company, is the
23 professional liability insurer of the deceased John Peter Lee and Mr. Lee's law firm - John Peter
24 Lee, Ltd. Mr. Lee passed away during the time that this matter was stayed. 70 Limited
25 Partnership and Tertia Dvorchak brought the *Malpractice* action against Mr. Lee and John Peter
26 Lee, Ltd. The Estate of John Peter Lee and John Peter Lee, Ltd., filed a Third-Party Complaint
27 against John Peter Lee, Ltd.'s insurance broker, Harley E. Harmon Insurance Agency, Inc., for
28 claims related to the *Malpractice* action.

1 Within the last week, the parties have commenced settlement discussions. If the settlement
2 discussions are successful, then the entire matter, including Counterclaims and Third-Party
3 Complaints, will be dismissed. The parties request that the deadline for filing a proposed
4 Scheduling Order be extended 13 days to provide the parties with sufficient time to continue their
5 settlement discussions. If the settlement discussions are unsuccessful, then they will prepare and
6 file a proposed Scheduling Order on or before September 6, 2017.

7 The Parties hereby stipulate that the deadline to file the proposed scheduling order be
8 continued 13 days to September 6, 2017.

9
10
11 DATED: August 23, 2017

YARON & ASSOCIATES

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18 -AND-
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25 Claimants, and Third-Party Plaintiffs
26 JOHN PETER LEE, LTD., and ESTATE
27 OF JOHN PETER LEE

28
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31 DATED: August 23, 2017

CLARK HILL, PLLC

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39 EVANSTON INSURANCE COMPANY

1 DATED: August 23, 2017

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8 HARLEY E. HARMON INSURANCE
9 AGENCY, INC.

10 DATED: August 23, 2017

WEINBERG, WHEELER, HUDGINS,
11 GUNN & DIAL, LLC

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24 70 LIMITED PARTNERSHIP and
25 TERTIA DVORCHAK

26 IT IS SO ORDERED

27 
28 UNITED STATES MAGISTRATE JUDGE

29 DATED: August 24, 2017